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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Kim Cramton,

10 Plaintiff,

11 v.

12 Grabbagreen Franchising LLC, et al.,

13 Defendants.  
14

No. CV-17-04663-PHX-DWL

**ORDER**

15 In an order issued on May 27, 2022, the Court partially granted Plaintiff Kim  
16 Cramton's motion for attorneys' fees and costs (Doc. 483), awarding her \$210,820 in  
17 attorneys' fees payable by Defendant Keely Newman ("Keely") and \$10,256 in attorneys'  
18 fees payable by Defendant Eat Clean Operations LLC ("ECO"), and also authorized  
19 Cramton "to file a supplemental application for the fees she incurred when responding to  
20 Defendants' reconsideration motions . . . and when responding to the order soliciting  
21 supplemental briefing on one of those motions." (Doc. 518 at 54.)

22 Now pending before the Court is Cramton's supplemental application. (Doc. 522.)  
23 Cramton seeks \$15,862.50 in fees against Keely, which constitute the fees she expended  
24 when preparing her responses (Docs. 498, 500) to the reconsideration motions related to  
25 Count Four and the spoliation order (Doc. 467, 475), and \$10,320.00 in fees against ECO,  
26 which constitute the fees she expended when preparing her responses (Docs. 499, 510) to  
27 the reconsideration motion related to Count Five and order soliciting supplemental briefing  
28 on that motion (Docs. 473, 508). The supplemental application is supported by

1 declarations from counsel substantiating the fee requests. (Doc. 522-1.)

2 Keely and ECO oppose Cramton's supplemental application. (Doc. 523.) They  
3 contend the fee request is inflated because it includes "multiple billers on the same  
4 activities or matters, duplication of fees, excessive time and time charges involving  
5 unsuccessful claims and matters or issues unrelated to Counts IV and V." (*Id.* at 1.) They  
6 conclude that any fee award should be limited to \$4,302.70 against Keely and \$4,720  
7 against ECO. (*Id.* at 2.) They also identify, in an exhibit, their specific objections to  
8 individual billing entries. (Doc. 523-1.)

9 In reply, Cramton defends her fee request, arguing that any suggestion that "a  
10 paralegal could have done most of the work" is belied by a "cursory review of Defendants'  
11 motions," which "reveals the painstakingly detailed factual and legal analysis that Plaintiff  
12 needed to address in response." (Doc. 529.)

13 The Court has carefully considered the parties' arguments, including all of the  
14 specific objections to individual time entries raised by Keely and ECO, and concludes that  
15 Cramton's supplemental application should be granted in full. The work of Cramton's  
16 counsel in responding to the reconsideration motions (and order soliciting supplemental  
17 briefing) was reasonable and not duplicative in light of the volume and complexity of the  
18 arguments raised in the reconsideration motions. Nor does the fee request include time  
19 spent litigating unsuccessful claims and matters. As the Court explained in the May 27,  
20 2022 order, Cramton is "entitled to recover the fees and costs she reasonably incurred when  
21 responding to Defendants' . . . spoliation-related Rule 59 motion[]" because that motion  
22 "sought the reversal of the judgment in Cramton's favor on Count Four." (Doc. 518 at 50.)

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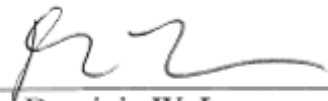
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1 Accordingly,

2 **IT IS ORDERED** that Cramton's supplemental application for attorneys' fees  
3 (Doc. 522) is **granted**. Cramton is awarded \$15,862.50 in attorneys' fees payable by  
4 Defendant Keely Newman and is awarded \$10,320.00 in attorneys' fees payable by  
5 Defendant Eat Clean Operations LLC.

6 Dated this 13th day of July, 2022.

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11 Dominic W. Lanza  
12 United States District Judge  
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